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NOTICE OF PUBLIC HEARINGS
SCHEDULED FOR OCTOBER 18 & 19, 2004

Under the provisions of M.G.L. Ch 30A and pursuant to the authority found in M.G.L. Ch. 130 ss. 17, 17A, 80, 100A and 104, Division of Marine Fisheries (DMF) and the Marine Fisheries Advisory Commission (MFC) have scheduled hearings on the following regulatory proposals. Contact DMF for draft regulations and further details.

***Marine Fisheries* proposes:**

1. **The required use of a raised footrope trawl to fish during September in the Cape Ann Whiting Area (322 CMR 3.04 & 8.07) compatible with federal regulations in adjacent waters;**
2. **A May 20, 2004 control date for any commercial fishery conducted using hook-and-line, longline, or handgear within waters under the jurisdiction of the Commonwealth (322 CMR 7.04);**
3. **Final adoption of the May 1, 2003 control date for the commercial striped bass fishery (322 CMR 6.07);**
4. **Clarification of the allowance for commercial striped bass fishing to occur aboard for-hire vessels while carrying recreational fishing customers (322 CMR 6.07 & 7.01):**
 - all persons aboard a for-hire vessel commercial fishing for striped bass would be prohibited from possessing striped bass smaller than the 34" commercial minimum size limit;
 - the vessel would be restricted from possessing more than the striped bass vessel limit (e.g. 30 bass during the 2004 season);
5. **Increasing the minimum ring size for sea scallop dredges from 3 1/2" to 4" consistent with federal regulations (322 CMR 4.10);**
6. **Closing the recreational black sea bass fishery from September 8th – 21st and December 1st – 31st in compliance with the ASMFC Interstate Fishery Management Plan (322 CMR 6.28). *Marine Fisheries* previously implemented the September closure through emergency regulation and will take comments on this action;**
7. **Complementing federal groundfish regulations contained in Amendment 13 (322 CMR 6.03):**
 - 22" minimum size for recreational cod
 - 19" minimum size for recreational haddock
 - season commercial yellowtail flounder trip limits of 250-lbs. during Apr – May & Oct. – Nov. and 750-lbs. during Jun. – Sep. & Dec. - Mar.;
 - commercial and recreational halibut minimum size of 36" and a one halibut per angler recreational possession limit and a one halibut per trip commercial possession limit .
8. **Extending Right whale protection measures that restrict fixed gear use in the Cape Cod Bay Critical Habitat by 15 days through May 15th (322 CMR 12.05) to be consistent with federal regulations;**
9. **Implementing increases in lobster minimum sizes and trap escape vents to comply with Addendum IV of the interstate plan (322 CMR 6.01 & 6.02):**
 - an increase of the commercial lobster minimum size in LCMA's 2, 3, & Outer Cape and for non-commercial fishermen in the Southeast Recreational Lobster Area to:
 - i. 3 13/32" on July 1, 2005;

- ii. 3 7/16" on July 1, 2006;
- iii. 3 15/32" on July 1, 2007;
- iv. 3 1/2" on July 1, 2008;
- **an increase of the commercial lobster trap escape vent minimum size in LCMA's 2, 3, & Outer Cape Cod and for non-commercial fishermen in the Southeast Recreational Lobster Area to:**
 - i. 2 5/8" for circular vents on January 1, 2005;
 - ii. 2 1/16" x 5 3/4" rectangular or 2 11/16" circular on July 1, 2008;

10. Accept comments on emergency action regarding commercial sea herring fishery that amended the Area 1A no-fishing days from Saturday – Sunday to Friday – Saturday as approved by the ASMFC Sea Herring Committee (322 CMR 9.04).

Two public hearings have been scheduled:

Monday, October 18, 2004 (7PM) at Gloucester High School (32 Leslie O. Johnson Rd.; Gloucester, MA 01930) & Tuesday, October 19, 2004 (7PM) at Plymouth North High School (41 Obery Street; Plymouth, MA 02360). Comments received by e-mail, fax or mail will be accepted until 5PM on Friday, October 22, 2004.

For further information please visit our website at www.mass.gov/marinefisheries.